

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
MIDDLE DIVISION**

BARRY VAUGHN SMITH)
)
Plaintiff,)
)
vs.) **CV 11-PT-1030-M**
)
AT&T; SUSAN D. TAYLOR;)
MAGRUDER & SUMNER, Attorneys)
at Law and KATHRYN BRAY SMITH)
)
Defendants)

MEMORANDUM OPINION

This cause comes on to be heard on the Motion for Dismiss for Lack of Personal Jurisdiction filed by defendant Kathryn Bray Smith on March 24, 2011, Defendant Susan D. Taylor's Motion to Dismiss the Complaint for Lack of Personal Jurisdiction filed on March 30, 2011 and Defendant Magruder & Sumner's Motion to Dismiss Complaint for Lack of Personal Jurisdiction filed on March 31, 2011. Each of these three defendants move for dismissal based on a lack of personal jurisdiction.

The incident(s) complained of by the plaintiff here arise out of a divorce action between plaintiff and the defendant Smith in the State of Georgia. The other two defendants are attorneys who represented defendant Smith in that divorce action. The attorneys caused a subpoena to be issued to the defendant AT&T in Florida for return with reference to the Georgia divorce action.

The only connection of the three moving defendants with Alabama is that the plaintiff, after years of marriage in Georgia, moved to Alabama where he had initiated a legal proceeding against defendant Smith which was dismissed for lack of personal jurisdiction in Alabama.

Under the facts of this case, Alabama does not have either specific or general personal jurisdiction in this action over any of the above-named moving defendants. Exercising personal jurisdiction would not comport with the due process requirements of federal law or with Alabama law. The action against said Taylor, McGruder & Sumner and defendant Smith will be dismissed for lack of personal jurisdiction.¹

DONE and **ORDERED** this 9th day of May, 2011.



Robert B. Propst
ROBERT B. PROPST
SENIOR UNITED STATES DISTRICT JUDGE

¹ The court does not reach the purported merits of the action.